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UNCLAS MANILA 005647

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KCOR](#) [ECON](#) [RP](#)

SUBJECT: COURT-MARTIAL FINDS GENERAL GARCIA GUILTY

REF: A. MANILA 2578

[1](#)B. MANILA 1641

[1](#)1. (U) On the afternoon of December 2, a general court martial board sentenced retired Major General Carlos Garcia to dishonorable dismissal, forfeiture of military retirement benefits, and two years of hard labor at a military prison. The military court found Garcia, a former military comptroller, guilty of violating two provisions of the Armed Forces of the Philippines Articles of War: Article 96 (conduct unbecoming an officer and a gentleman) and Article 97 (conduct prejudicial to good order and military discipline). The two charges stemmed from Garcia's alleged misrepresentation of the value of his assets in 2002 and 2003 and for possession of U.S. permanent resident status while still a serving general. During the court martial proceedings, the prosecution focused on Garcia's unexplained wealth in the form of real estate, luxury motor vehicles, and significant financial assets. The decision handed down by the court martial is subject to the approval of AFP Chief of Staff General Generoso Senga.

[1](#)2. (U) At the same time, Garcia faces the charge of plundering 303 million pesos (approximately USD 6 million) before the Sandiganbayan anti-graft court, as well as four perjury charges. Under Republic Act 7080, known as "The Plunder Act," the allowable punishment is life imprisonment or even the death penalty.

[1](#)3. (U) Comment: The guilty verdict handed down by the court martial after an eight-month trial is an extremely positive development in the Philippine government's anti-corruption campaign, and sends a strong warning to other corrupt government officials. Allegations of military corruption have triggered investigations of several high-ranking military officers, and Garcia is the first to be court martialed under these circumstances, and may indeed be the most senior AFP officer ever to be found guilty in a court martial. Post will continue to follow the Garcia case closely. End Comment.

[1](#)4. (U) U.S Embassy Manila Press Guidance:

Q: Any reaction to the conviction and sentencing of former General Carlos Garcia today?

-- The U.S. welcomes the general court martial conviction and sentencing in this important anti-corruption case. We note that former General Garcia also faces charges filed in civilian court.

Q: What was the U.S. role in this investigation?

-- The investigation into this matter began with information gathered by law enforcement officials in the United States. U.S. and Philippine law enforcement authorities cooperated closely during this investigation, resulting in a successful conviction.

Q: Is Garcia under investigation in the U.S.? What is the status of that investigation?

-- U.S. law enforcement authorities are carrying out an investigation of former General Garcia in the United States. We cannot provide details, as the investigation is still ongoing.

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